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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/084,353	02/28/2002	Sebastien Berne	0512-1018	5592

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EXAMINER

CIRIC, LJILJANA V

ART UNIT	PAPER NUMBER
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3753

DATE MAILED: 01/25/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

10/084,353

Applicant(s)

BERNE ET AL.

Examiner

Ljiljana (Lil) V. Ciric

Art Unit

3753

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 05 January 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-24 is/are pending in the application.
- 4a) Of the above claim(s) 2-5, 7-13 and 22 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1, 6, 20, 21, 23 and 24 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 28 February 2002 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

## DETAILED ACTION

### *Response to Amendment*

1. This Office action is in response to the reply filed on January 5, 2005. This reply, including the translation into the English language of a certified copy of French Patent Application No. 0102754 filed on 28 February 2001 and of the official certificate attached thereto, has been reviewed and entered in the file.
2. The translation into the English language of the abovementioned French priority documents perfects applicant's claim for foreign priority and overcomes the rejection of the claims based on the Ozawa et al. reference (filed June 14, 2001) as cited in the previous Office action.
3. The finality of the rejection of the last Office action is hereby withdrawn and new rejections based on the newly cited references follow.

### *Response to Arguments*

4. Applicant's arguments with respect to claims 1, 6, 20, 21, 23, and 24 have been considered but are moot in view of the new ground(s) of rejection.

### *Election/Restrictions*

5. Claims 2 through 5, 7 through 13, and 22 remain withdrawn from further consideration pursuant to 37 CFR 1.142(b) as being drawn to nonelected species, there being no allowable generic or linking claim. Election was made **without** traverse in the reply filed on September 12, 2003. Please note that the reply to this Office action must include a claims listing correctly identifying the status of each of claims 1 through 24 as required.

### *Claim Rejections - 35 USC § 102*

6. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

Art Unit: 3753

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

7. Claim 20 is rejected under 35 U.S.C. 102(b) as being anticipated by Hirata.

Hirata [especially Figure 5] discloses a crane or similar cargo-handling vehicle or machine comprising, for example: an optical unit including an electrical bulb 11' within a hollow cylindrical member 24 having a plurality of openings 23 and 30; a heat exchanger or condenser 25; a fan 21; and, a duct or casing 31 communicating a flow of air between one of the plural openings 23 and 30 and the fan 21.

The reference thus reads on the claim.

8. Alternately for claim 20, claims 1, 6, 20, 21, 23, and 24 are rejected under 35 U.S.C. 102(b) as being anticipated by Wright.

Wright discloses a vehicular front end unit essentially as claimed, including a vehicle [i.e., see Figure 1] comprising, for example: an optical unit including at least that portion of the casing 1 housing bulb 6, the casing being provided with inlet and outlet (i.e., a plurality of) openings [see Figure 1]; a sleeve 16 surrounding engine exhaust manifold or pipe 17 to form a heat exchanger or heat "radiator" for removing heat from the engine and engine exhaust gases at least as broadly interpreted as required [see lines 82-99 on page 1 of the reference]; a fan or blower 13 producing an air flow that passes through the sleeve 16 of the heat exchanger; any one of pipe branch 19 or flexible pipe 20 or ring 23 readable on the duct connected at least indirectly with one of the inlet and outlet openings of the casing 1 and communicating a flow of air between one of these plural openings and the fan 13 as recited in the claims of the instant application and connected at least indirectly to one of the inlet and outlet openings of the casing 1; and, shroud 21 for channeling the air stream between the fan 13 and the heat exchanger. Plural wire gauze or perforated sheet metal screens 26 and screen 27, alone or in combination, are readable on the plurality of baffles as recited in claim 23 of the instant application, at least as broadly interpreted [see

Art Unit: 3753

lines 38-51 of the reference] as required. Wright furthermore discloses the fan 13 "to be located behind the heat exchanger when the front unit is mounted on the motor vehicle" if the term "behind" is broadly interpreted as being synonymous with "downstream of", as appropriate. Wright furthermore discloses fan 13 as being partially encircled by bracket 3 and thus as being at least partially disposed outside the casing 1 [see Figure 2] of the optical unit, and discloses the heat exchanger as being situated completely outside the optical unit and associated casing 1.

The reference thus reads on the claims.

*Conclusion*

9. The additional art made of record and not relied upon is considered pertinent to applicant's disclosure. Note that Yamaguchi, Soga et al., and Buelow, II et al. do not constitute prior art per se, but are included as being of interest since these are representative of the state of the art in general.

Ramniceanu, Matsuki et al., and Weber each discloses a vehicular optical unit including forced air circulation therethrough.


10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ljiljana (Lil) V. Ciric, whose telephone number is (571) 272-4909.

While she works a flexible schedule that varies from day to day and from week to week, Examiner Ciric may generally be reached at the Office during the work week between the hours of 10 a.m. and 6 p.m. ET.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Gene Mancene, can be reached at (571) 272-4930.

lvc

January 21, 2005

  
LJILJANA V. CIRIC  
PRIMARY EXAMINER  
ART UNIT 3753